

United States District Court  
District of Massachusetts

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CAMBRIDGE PLACE INVESTMENT )  
MANAGEMENT, INC., )  
Plaintiff, )  
v. ) Civil Action No.  
MORGAN STANLEY & CO., INC., et al., ) 10-11376-NMG  
Defendants. )  
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)

ORDER

GORTON, J.

Cambridge Place Investment Management, Inc. ("CPIM") brings suit against numerous defendants for alleged violations of the Massachusetts Uniform Securities Act, Mass. Gen. Laws ch. 110A, § 410. The parties are currently embroiled in a discovery dispute related to the limited jurisdictional discovery authorized by this Court's Memorandum & Order dated May 2, 2011 ("the May M&O") with respect to plaintiff's motion to remand the case to state court. Defendants move for an order to show cause (Docket No. 232) why plaintiff should not be held in violation of the May M&O based on plaintiff's numerous alleged failures to produce responsive documents. Plaintiff opposes that motion.

Defendants' assented to motion for leave to file a reply to plaintiff's opposition (Docket No. 239) is **ALLOWED** and defendants' are directed to file that reply (not to exceed five

pages) on or before Wednesday, June 15, 2011 at noon.

Having reviewed the materials currently before it, the Court admonishes the parties to resolve any and all remaining discovery disputes among themselves. Although the Court is skeptical about the privileges asserted by CPIM, it finds entirely reasonable CPIM's offer to produce materials as to which it claims a privilege if defendants agree that such production does not, in itself, constitute a waiver. Moreover, the Court forewarns the plaintiff that, to the extent disputed, relevant material is not produced, that failure will be taken into account when this Court considers the merits of the motion to remand.

Should any discovery dispute remain unresolved, the Court will issue a ruling on the pending motion and the requested modification of the scheduling order on or before Friday, June 17, 2011. In any event, however, the Court will not authorize an enlargement of time of more than two weeks for any of the remaining deadlines.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated June 14, 2011